

George S. McCall\*  
Cara C. Vecchione  
SEDGWICK LLP  
225 Liberty Street, 28th Floor  
New York, New York 10281  
Telephone: (212) 422-0202  
*Counsel for Defendant XL Insurance  
America, Inc.*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

OHIO CASUALTY INSURANCE  
COMPANY AND LIBERTY  
INSURANCE UNDERWRITERS INC.,

Plaintiffs,

-against-

WAL-MART STORES, INC. AND  
WAL-MART TRANSPORTATION,  
LLC, QBE INSURANCE  
CORPORATION, ST. PAUL FIRE AND  
MARINE INSURANCE COMPANY  
AND XL INSURANCE AMERICA,  
INC.,

Defendants.

CIVIL ACTION NO.: 3:16-cv-04029-MAS-LHG

**NOTICE OF JOINT MOTION TO DISMISS**

To: Paul R. Koepff  
Clyde & Co US LLP  
405 Lexington Avenue, 16<sup>th</sup> Floor  
New York, New York 10174

**PLEASE TAKE NOTICE** that on August 15, 2016 at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendants Wal-Mart Stores, Inc. and Wal-Mart Transportation, LLC (collectively, “Wal-Mart”) and Defendant XL Insurance America, Inc. (“XL”) will move before The Honorable Michael A. Shipp at the United States District Court for the District of New Jersey, located at the Clarkson S. Fischer Building and United States Courthouse, 402 East State Street,

Trenton, New Jersey 08608, for an Order pursuant to Rule 41(c) of the Federal Rules of Civil Procedure to dismiss: (1) all claims by Wal-Mart against XL in their entirety with prejudice; and (2) all claims by XL against Wal-Mart in their entirety with prejudice. Additionally, Wal-Mart and XL also move this Court to dismiss XL as a party to this action and further order that the caption shall be amended to remove XL.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

Dated: New York, New York  
July 21, 2016

Respectfully submitted,

s/ Cara. C. Vecchione

George S. McCall\*

Cara C. Vecchione

SEDGWICK LLP

225 Liberty Street, 28th Floor

New York, New York 10281

Telephone: (212) 422-0202

Facsimile: (877) 543-9170

george.mccall@sedgwicklaw.com

cara.vecchione@sedgwicklaw.com

*Counsel for XL Insurance America, Inc.*

\* Admission *pro hac vice* pending